

# SENATE BILL REPORT

## SB 6408

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As Passed Senate, February 5, 2002

**Title:** An act relating to restoring sex offender registration for nonfelony communication with a minor convictions.

**Brief Description:** Restoring sex offender registration for nonfelony communication with a minor convictions.

**Sponsors:** Senators Costa, Hargrove, Long, Kline, Zarelli, Johnson, Rasmussen and Oke.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/24/02 [DP].

Passed Senate: 2/5/02, 46-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

**Staff:** Fara Daun (786-7459)

**Background:** In 2001, the Legislature harmonized the definitions of sex offense in the criminal statute and the registration statute with regard to felony convictions. Certain gross misdemeanors also require registration. Communication with a minor for immoral purposes is a felony sex offense unless the person has no previous sex offense convictions, in which case it is a gross misdemeanor. Prior to the change, communication with a minor for immoral purposes required registration for gross misdemeanor convictions. Following the change, these violations were no longer included in the registration statute.

**Summary of Bill:** Sex offenders convicted of communication with a minor for immoral purposes must register, even if the conviction is a gross misdemeanor.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The state needs to restore registration for gross misdemeanor convictions of communication with a minor for immoral purposes because it is one of the crimes used as a plea bargain for first time sex offenders. Consequently, the conviction may not indicate the seriousness of the crime or the offender's dangerousness. There are some Level III sex offenders whose only conviction is for communication with a minor. In addition, Oregon only requires sex offenders moving into the state to register if they were required to register

in the state they left. There is concern that these offenders will go to Oregon to permanently avoid registration.

**Testimony Against:** None.

**Testified:** Daryl Leischner, Thurston County Sheriff (pro).